

COMMISSIONERS APPROVAL

ROKOSCH J.G.M.

GRANDSTAFF CG

THOMPSON AT

CHILCOTT GJ

DRISCOLL LD

PLETTENBERG (Clerk & Recorder)

Date.....October 11, 2007

Members Present.....Commissioner Jim Rokosch,  
Commissioner Carlotta Grandstaff and Commissioner Greg Chilcott

Minutes: Beth Perkins

Commissioner Driscoll attended a domestic violence in the work place seminar for the day.

Commissioner Thompson attended a Human Resource Council meeting in Missoula through out the day.

The Board met for a public meeting on a Request for Commission Action on the One Horse Estates 77-lot Major Subdivision and one variance. Present was Planner Tristan Riddell, Developer Dick Martin and the Developer's Consultant Terry Nelson.

Commissioner Rokosch called the hearing to order. He requested disclosure of conflict of interest, hearing none.

**Due to the absence of Commissioners Thompson and Driscoll, Commissioner Chilcott made a motion to continue this public meeting for One Horse Estates and variance request to November 9<sup>th</sup> at 9 a.m. Commissioner Grandstaff seconded the motion.**

Terry Nelson requested the Board let him know of any areas of mitigation that could be addressed prior to the continuation date.

**Commissioner Chilcott made a motion to withdraw his previous motion. Commissioner Grandstaff withdrew her second. All voted 'aye'.**

Commissioner Rokosch stated he would like them to consider a public water system. He stated his concerns regarding the walking path, school districts bus service, the culverts, and the response time for the Sheriff's Office. Terry discussed possibilities for a bus pull out. Commissioner Rokosch stated children need to be able to access a walking system to and from the bus service. The development would be geared towards the schools and local services in the future. There is also the cost of local schools that needs to be mitigated.

Commissioner Grandstaff stated the density of this subdivision requires the development of a walking trail.

Commissioner Rokosch also noted he would like to have a better response from Fish, Wildlife and Parks in regard to this proposed subdivision.

Terry replied he would like to address some of these issues now. Commissioner Rokosch stated Terry could do so at this time.

Developer Dick Martin stated his plan creates a nice living area. Agriculture is non-profitable in that area. To keep affordable housing, they have proposed smaller lots. They are using state of the art septic system. They have chosen individual wells for safety and in their opinion is the best choice. Dick further stated Florence businesses are struggling and need the population increase to stay afloat. MDOT has guaranteed these three access points to the subdivision are safe. They agree with the Planning Board's suggestion to have a row of trees planted.

Dick explained how having a community water system would affect the other homeowners of the lots. He stated by having individual wells, it would affect the homeowner who uses it, not the entire community. He is the senior water right owner. Dick further explained the water flow in each lot. He stated they are working within the Growth Policy. Commissioner Rokosch asked about the proposed commercial area. Dick pointed the areas out on the preliminary plat map. Dick stated the lot is configured differently therefore would not be suitable home land. He hopes to put a church into the area. He stated they have great neighbors that are willing to work with them and he wants to keep it that way. He stated he has spoken with the Sheriff's Office and was told the impact does not happen until the homes are sold. Therefore, they would be willing to hold off on the contribution. He stated he would like to create a nice project that he can be proud of.

Terry stated Mountain Meadows subdivision to the south of One Horse, had water studies done. The finding was there is plenty of water, and therefore water should not be an issue. The infrastructure cost becomes too great with centralized lots. A community water system goes through a lot to obtain approval. Terry explained the plat flow going from

bigger lots to the north and the smaller lots to the south. It makes the individual wells and septic system work nicely. Environmental Health has no problems with the systems. He stated they can talk to the schools regarding a bus turn out. Terry stated in dealing with a trail system, a main path is proposed and they can add walk ways to the bus stop. There is a paved path on US Highway 93 which will help channel people onto Highway 93. They cannot extend the road to Beck Lane because it is private road. MDOT stated this proposal is safe and they are not looking at alternatives.

Commissioner Rokosch stated he does not know if there has been any discussion about connections within the community. Terry asked if he is talking about the roads or the access points. Commissioner Rokosch replied he is concerned about the emergency response vehicles.

Dick stated they anticipate these to be moderate homes in the price range of \$250,000 to 300,000. They are trying to create a simple state of the art subdivision. He feels individual wells will not all fail at once. If they do have a failure, it wouldn't effect the whole subdivision. Commissioner Grandstaff asked Dick at this point would he consider a community water system. Dick replied at this time he is looking at the cost and feel a community water system could result in easier contamination of the water system. Terry asked what the Commissioners concerns were. Commissioner Grandstaff stated their concerns are based on the recommendation of DNRC. Commissioner Rokosch explained the benefits of the community water system noting there would be a single well head to protect versus 77 wells for possible contamination. They are already talking about a phased project which would allow the developer to spread the cost over the phases. Commissioner Chilcott stated there is no guarantee DNRC will even approve a community water system. Dick stated he does not understand the contamination issue.

Alex stated the point of this meeting today is to allow the Commissioners to make their concerns known. He suggested they should not go 'too far down this path'.

Commissioner Rokosch stated he agrees with Alex and would like to discuss the progress that can be made with the different phases at the continuance meeting.

**Commissioner Chilcott made a motion to continue One Horse Estates 77-Lot Major subdivision and one variance request until November 6<sup>th</sup> at 9 a.m. Commissioner Grandstaff seconded the motion, all voted 'aye'.**

Minutes: Glenda Wiles

Commissioner Chilcott attended a settlement conference on the Aspen Springs Subdivision at the Courthouse during a portion of the morning and afternoon.

In other business the Board met to discuss and consider advertising for a public meeting to extend Resolution No. 2038 (known as the 'one for two interim zoning'). Present at this meeting was Civil Counsel Alex Beal and Planner Karen Hughes. Commissioner

Driscoll returned from her seminar and Commissioner Thompson returned from his Missoula meeting and was present for this meeting.

Civil Counsel Alex Beal presented a draft Resolution for discussion. This resolution, if passed would extend the citizen initiative entitled an Interim Zoning Regulation limiting subdivision to a density of 1 residence per 2 acres for a period of one year, "which is also known as Resolution No. 2038. He stated if the Commissioners want to move forward on this draft resolution, they need to decide the date and time of a public hearing so proper legal notice can be publicized in the paper. He stated if the Commissioners want to modify this resolution substantively, they would need to have another public meeting in the next 48 hours. Those changes would then be made in the resolution for discussion at the public hearing.

Commissioner Chilcott suggested they would be under judicial scrutiny under the variance criteria as demonstrated under the recent Board of Adjustments decision. He suggested they sit down with the planning staff in order to come up with common sense approaches to the variances. Discussion included the short time available for this resolution to be approved if the Commissioners so chose. November 7<sup>th</sup> would be the 'drop dead time' for approval as that is within the one year time frame.

Commissioner Grandstaff and Rokosch stated they do not have the time to address the density issue. Commissioner Chilcott stated he wants to make this as 'air tight' as possible so the Resolution will not be challenged. Commissioner Rokosch noted they have lived with the density issue for the past twelve months and they should wait until the permanent zoning is adopted. Commissioner Driscoll stated the citizens voted for this, so she wants to recognize their direction. Commissioner Chilcott stated he is not opposing this measure, but he wants to make sure everyone understands they may face legal challenges on parts of the interim zoning. He stated the variance criterion is difficult to meet. Commissioner Grandstaff stated this should have been done two months ago and they do not have time to do it now. Commissioner Chilcott stated maybe they should define density in the Resolution.

Alex stated if the Commissioners make a substantive change that is ok, if they just want to clarify it, he would prefer they didn't. The county is currently using a particular definition at this time. When that is changed, he does not know if it has a legal effect, for density and lot size, and does not anticipate that coming up. He felt it is possible this could be challenged by a 15% protest. He advised the Commissioners the more changes they make, the more likely it will be challenged. Alex stated there is a working definition of the lot size, and they are safe in this interpretation if they get challenged in court.

Commissioner Rokosch stated there are two issues, one is this draft resolution to extend the citizen initiative of interim zoning and secondly, when the public hearing will be held.

Discussion took place about the time and legal ad notification. Alex noted at any time this one year extension can be axed and changed as this new resolution would be

Commissioner generated. Commissioner Chilcott stated he would be fine with that, because at that point the Commissioners can make necessary changes.

Commissioner Thompson stated he has some mixed feelings. He stated he understands the voters' wishes in that they wanted the interim zoning and he stated at a previous meeting he would vote to extend the interim zoning by one year when the proper time comes. There was no talk of changing it at that time and he would not want to go back on his original statement or intent. There are some things he does not like about the initiative in regard to the definition of density for cluster development. If the language can be cleaned up in another month or two, he would be fine with that, but if they change the definition of density as it is being utilized now, he would not be comfortable with that, even though he does not like it.

Commissioner Chilcott stated the reason for the interim zoning was to 'put the brakes on the development' so planning could address the important zoning issues. He felt that was one of the larger voter thoughts. However, he feels this interim zoning language could be better. He also noted whatever they decide it probably won't make a difference as it takes a certain period of time to get through subdivision review anyway.

Commissioner Thompson stated the Commissioners indicated they would extend this interim zoning and the majority of the citizens felt this would be in effect for two years. He suggested they move forward adopting the draft with the necessary spelling and typo changes. Commissioner Driscoll concurred.

**Commissioner Grandstaff made a motion to publish legal notice for a public hearing on October 29<sup>th</sup> at 1:00 p.m. for the proposed draft Resolution to extend Resolution No. 2038. Commissioner Driscoll seconded the motion and all voted "aye". (It was noted there were several typographical changes that Alex will make and Glenda will run the legal notice.)**

In other business the Board interviewed James Webb for a Park Board position and Lee Scharff for a Fair Commission position.

Glenda revisited the issue of legal notice for the proposed draft Resolution to extend Resolution No. 2038. She advised them she was unable to place the legal advertising for the public hearing on October 29<sup>th</sup> as the newspaper space was already filled and it was out for editing. She advised the Commissioners the afternoon of October 30<sup>th</sup> was available for this meeting and she would be able to meet that deadline for publication. **Commissioner Grandstaff made a motion to reconsider the earlier motion of setting the public hearing for the draft resolution extending Resolution No. 2038. Commissioner Chilcott seconded the motion and all voted "aye". Commissioner Grandstaff made a motion to publish legal notice for a public hearing on October 30<sup>th</sup> at 1:00 p.m. for the proposed draft resolution extending Resolution 2038. Commissioner Driscoll seconded the motion and all voted "aye".** Glenda indicated she would notify the two citizens who were present at the earlier meeting (Howard Lyons and Anthony Quirini of the Ravalli Republic) of this change in date.

The Commissioners attended annual fair dinner at the Fairgrounds.

Commissioner Grandstaff attended a CPC workshop at Hamilton High School during the evening hours.